IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1597 (S/S) of 2005

Sri Suresh Chandra Rathor,
Son of Sri Hubb Lal Rathor,
resident of Sadar Bazar,
Ranikhet,
District – Almora.

…….. Petitioners.

Versus.

1. State of Uttaranchal, through Secretary, Rural and Urban Development, Uttaranchal Shashan, Dehradun.
2. Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun, through its Managing Director.
3. Chief Engineer, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun.
4. Chief Engineer Kumaon, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Nainital.
5. Executive Engineer, Construction Division, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Pithoragarh, District – Pithoragarh.
6. Uttar Pradesh Jal Nigam, Lucknow through its Managing Director / Chief Engineer, 6, Rana Pratap Marg, Lucknow.

…… Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri P.C. Maulekhi, learned counsel for the petitioner, learned standing counsel for respondent no. 1, Sri D.S. Patni, learned counsel for respondent nos. 2 to 5 and Sri Sudhir Singh, learned counsel for respondent no. 6.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of Certiorari quashing the order dated 30.09.2005 and 01.10.2005 contained as Annexures No. 1A and 1B to the writ petition by which petitioner was transferred from Uttaranchal Pey Jal Nigam to U.P. Jal Nigam.

The submission of the petitioner is that he was appointed as Junior Engineer on 30.03.1978 and since then he

has served the hill districts of the then State of U.P. till the creation of State of Uttaranchal and after the creation of State of Uttaranchal, he is still serving in state of Uttaranchal.

Learned counsel for the petitioner has submitted that petitioner has submitted his option on 12.06.1994 and the same has been forwarded by the Executive Engineer, U.P. Jal Nigam, Bhikiyasen, District – Almora on 25.07.1998, copies of which have been annexed as Annexure No. 4A and 4B to the writ petition.

Learned counsel for the petitioner has further submitted that respondent no. 2 has passed impugned orders without taking decision on the petitioner's option, which is absolutely arbitrary and as such, is not sustainable in the eyes of law.

During the course of argument, learned counsel for the petitioner has prayed that permission may be granted to him to file a fresh representation before respondent no. 2 and respondent no. 2 may be directed to take decision on the petitioner's representation within a particular period.

The prayer is innocuous. Petitioner is permitted to make fresh representation raising all his grievances before respondent no. 2 within a period of one week from today and respondent no. 2 is directed to take decision on the petitioner's representation within a period of two weeks from the date of receipt of representation. Till the final order is passed on the petitioner's representation petitioner shall not be relieved, in case, he has not already been relieved.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

October 27, 2005
SK Sharma